

KENTUCKY REAL ESTATE APPRAISERS BOARD

TYPE OF MEETING

Regular Meeting

DATE AND LOCATION

February 18, 2010 – 1:00 p.m. – Holiday Inn Hurstbourne, Louisville, KY

PRESIDING OFFICER

Dorsey Hall, Chair

ROLL CALL

Present:

Dorsey Hall, Chair
Sam E. Blackburn, Vice Chair
G. Herbert Pritchett, Board Member
Harold Brantley, Board Member

Present Also:

Larry Disney, Executive Director
Angie Thomas, Staff Assistant
Ravon Radmard, Executive Secretary
James Grawe, Board Counsel
Dennis Badger, Investigator

Absent:

Loren Huff, Board Member

Chair, Dorsey Hall opened the meeting and welcomed the guest. The guests in attendance were Susie Helm from KAR.

Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously approved the January 14, 2010 minutes.

EDUCATION

- (1) Appraisal Educators, Inc. – Request for instructor approval – Jeffrey D. Kelley. Request to instruct course 118 – Foreclosures & Short Sales: Dilemmas & Solutions. – Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously approved the instructor request.

Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to approve the following education courses for fiscal year 2009-10:

- (2) McKissock, LP – Five (5) classroom continuing education courses:
 - (a) Risky Business: Ways to Minimize Your Liability – 7 hours CE
 - (b) Sales Verification: Policies, Procedures & Case Studies – 7 hours CE
 - (c) The Changing World of FHA Appraising – 7 hours CE
 - (d) ERC: Techniques for Relocation Appraisals – 7 hours CE
 - (e) National USPAP Update Equivalent 2010-2011 – 7 hours CE
- (3) Wilson Education Group – One (1) classroom continuing education course:
 - (a) Site Inspection and Market Analysis Issues – 7 hours CE
- (4) ICAN – One (1) classroom continuing education course:
 - (a) National USPAP Update 2010-2011 – 7 hours CE
- (5) Dennis Badger & Associate – Two (2) classroom continuing education courses:
 - (a) Sales Comparison Fundamentals – 7 hours CE
 - (b) FHA Today – 7 hours CE
- (6) Career WebSchool dba of Cengage Learning, Inc. – One distance education QE and one distance education CE course:
 - (a) An FHA Single Family Appraisal – 14 hours distance education CE
 - (b) An FHA Single Family Appraisal – 15 hours distance education QE

EXPERIENCE

Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to accept staff recommendation and approved the following experience:

- (1) Peter Grote – Approve experience for Certified Residential

CERTIFICATION/LICENSURE

Motion by Herbert Pritchett, second by Sam Blackburn and the Board voted to approve a total of five (5) individuals for certification/licensure.

- (1) Joseph F. Biado – Certified General
 - (2) Peter Grote – Certified Residential
 - (3) Ashley Maggard – Certified Residential
 - (4) Donna L. Mansfield – Certified Residential
 - (5) Andrew J. Thul – Certified Residential – Reciprocal with Ohio
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- A. Joseph F. Biado – Applicant applying for Certified General License with a prior conviction – Motion by Herbert Pritchett, second by Sam Blackburn and the Board approved the application of Joseph Biado.
 - B. Mark C. Calfee – Application applying for Associate with prior conviction. Motion by Herbert Pritchett, second by Sam Blackburn and the Board approved for Mark Calfee to proceed with the application process for obtaining an Associate license.

COMPLAINT

- A. Case Summary Flow Chart
- B. Dennis Badger – Report on the contractor activities – Dennis Badger advised the Board there may be times that a case cannot be completed within the 3 months time period for different reasons. Sam advised the Board that he feels the cases should be investigated correctly even if the time exceeds the three months. It is understood ASC Policy Statement 10 recommends 12 months for case settlement.
- C. The Board was advised there have been a total of 5 cases filed for 2010.
- D. The Board emphasized that all open cases be completed within 12 months.
- E. Case No. 09-12 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to dismiss the case.
- F. Case No. 09-30 - Motion by Harold Brantley, second by Herbert Pritchett and the Board unanimously agreed to issue a Letter of Admonishment.
- G. Case No. 09-27 - Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to dismiss the case.
- H. Case No. 09-17 - Motion by Herbert Pritchett, second by Harold Brantley and the Board unanimously agreed to dismiss the case.
- I. Case No. 09-20 - Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously agreed to file a formal complaint and set the case for a hearing.
- J. Case No. 09-21 - Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously agreed to file a formal complaint and set the case for a hearing.

- K. Case No. 09-18 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously agreed to issue a Letter of Admonishment.
- L. Case No. 09-36 – Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously agreed to dismiss the case.
- M. Case No. 09-29 – Agreed Order – Richard Beckley. Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously accepted the agreed order, whereby,
- Beckley agrees to complete the terms of the Final Order for Administrative Action No. 09-REAB-0900; and
 - Beckley shall submit a log identifying each assignment completed each month for a period of two years from the date of the agreed order.
 - Beckley shall have no supervisory appraiser responsibilities for a period of two years from the date of the agreed order.
 - Beckley shall not seek to renew, and the Board will not renew, his certification for the 2010 renewal cycle beginning July 1, 2010, until he has satisfied the terms of this order.
- N. Case Nos. 08-49, 08-50, 08-51, 08-52, 08-53, 08-54, 08-55, 08-56, 08-57, 09-02, 09-03 and 09-07 – David Harrington - Findings of Fact, Conclusions of Law, and Final Order – James Grawe recused himself from discussion and left the Board room. – The Board accepted the following:
1. Due to the egregious nature of the violations found in this action, Harrington's certificate as a Certified Residential Real Property Appraiser shall be revoked for the statutory maximum period of three years as authorized by KRS 324A.050(2).
 2. For his violations of the Board's statutes and regulations, Harrington shall pay a fine of \$625 for each of the eight counts set forth in this Final Order for a total fine of \$5,000. The fine shall be paid prior to the expiration of the three year period of revocation of his certificate.
 3. Prior to submitting a new application for a certificate from the Board, Harrington shall comply with all criteria of the appraisal qualification board in effect at the time of his application.
 4. If Harrington's application for a certificate is granted, he shall not employ associates in his appraisal practice for a period of five years from the date of certification, shall not practice real estate appraisal outside of Bullitt and its contiguous counties for a period of five years from the date of certification, shall furnish the Board with a log of his appraisal work for a period of two years after certification, and shall allow the Board to inspect and audit his records and files for that same two year period.

MISCELLANEOUS

- A. Budget ending January 31, 2010
- B. AARO Spring Conference, May 1-3, 2010 – San Diego, CA
- C. Return payment of \$437.00 and letter sent to Helene Jefferson – Certification Inactive – The Staff advised the Board that Ms. Jefferson returned her original license to the Board office.
- D. Larry Disney will be attending meetings in Washington, DC on February 22 and 23, 2010.
- E. James Grawe will be filing additional information on the Matt Miniard case in Franklin Court.
- F. Dorsey Hall revealed his business relationship with Dennis Badger and Harold Brantley.
- G. The Board advised Larry Disney to draft a letter commenting on the exposure draft on behalf of the entire Board.

NEW BUSINESS

- A. March Hearing – Brian Booth – March 26, 2010 – 9:00 a.m. - Rejection of application for Certified Residential

The next Board meeting is scheduled for Friday, March 26, 2010 immediately following hearing at the Board office in Richmond, KY.

Motion by Herbert Pritchett, second by Harold Brantley and the Board voted unanimously to adjourn the meeting.



Chair



Argie Thomas
Staff Assistant